

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania
Northern Division

Case No.

3:19cv319

(to be filled in by the Clerk's Office)

Simeon Joel Briggs

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

A. Brockman (Coordinator Psychologist)

Rachel Eigenbrode (Psychology Staff)

Jennifer Enigk (Chief Psychologist)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
SCRANTON

FEB 25 2019

PER AMO
DEPUTY CLERKCOMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Simeon Joel Briggs * ~~99660-555~~

All other names by which
you have been known:

99660-555

ID Number

United States Penitentiary

Current Institution

P.O. Box 1000

Address

Lewisburg
CityPA
State17837
Zip Code**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Jennifer EnigkJob or Title (*if known*)Chief Psychologist

Shield Number

Employer

Lewisburg USP

Address

2400 Robert F. Miller DriveLewisburg
CityPA
State17837
Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

A. BrockmanJob or Title (*if known*)Coordinator/Psychologist

Shield Number

Employer

Lewisburg USP

Address

2400 Robert F. Miller DriveLewisburg
CityPA
State17837
Zip Code

☐ Individual capacity ☒ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Rachel Eigenbrade
Psychology Staff

Lewisburg USP

2400 Robert F. Miller Drive

Lewisburg
CityPA
State17837
Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. Defendants violated Plaintiff's 8th Amendment Rights Neglecting him treatment for a mental health disorder, denying him access to his meeting with a psychiatrist, and refusing him his medication.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See Attachments (Factual Background)

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

~~XXXX~~ Lewisburg USP, May of 2018

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C. What date and approximate time did the events giving rise to your claim(s) occur?

March 2018

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Plaintiff keep having out lashes, trying hurt himself, ~~as a~~ fights, ~~monthly~~ incident reports for lashing out. Psychology Staff keeps provoking Plaintiff.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Due to not receiving mental health treatment I was on hunger strike, losing weight, mental pain that still hasn't been treated. I had to go medical to have my blood drawn, etc...

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.

If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

~~This is affecting me because I'm not receiving psych evaluation, and \$25,000 for the mental pain~~
 This is affecting me because I'm not receiving treatment for my disorder, I'm suffering from pain emotional pain, and suffering not being on my medication.
 Cuz I can't sleep, focus, nor function well. I'm still having episodes, I lash out more, and my thoughts and nightmares keep me up in a bad mood.
 The Court order evaluation, I want it to be Court ordered by a "psychiatrist".

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Lewisburg Special Management Unit

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☒ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Lewisburg SMU!

2. What did you claim in your grievance? That psychology were lying in my file, falsifying documents refusing to get Mental health records, and refusing me mental health treatment

3. What was the result, if any? All my complaints were ignored

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I first spoke to the Lieutenant, then I spoke to the A.W's, then the Warden.

After that I did a BP8 to chief psychology, then BP9 to the Warden, then BP10 to the Region and then my BP11 to Central Office/General Counsel. My grievance process is not Completed due to me keep filing grievances. But "yes", the first process is Completed

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: I informed the Lieutenant (Kemmerer) he told me that they were suppose to get a whole new psychology staff who's more experienced with a lock down facility. I spoken to the Assistant Warden (Cobert) he told me he was gonna handle the situation. And I also spoken to the Warden (Ebbert) who said he'll look into it.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies: I have paper work that can not only prove how psychology file's faults documents in my file, but how they can lie to cover up what there not doing. And that while on medication I function better, and my behavior is better. In medication I'm a more calm, and you can talk to me without me flipping out.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☒ Yes

☐ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

This was while in state custody, my case got dismissed. I don't have a copy of the order. My issue is with my disorder, it is hard very hard for me to comprehend law.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- Factual Background -

Plaintiff is a State border prisoner out of Rhode Island D.O.C who was perscribed Depakote for a Mental health disorder by a psychiatrist in 2011, and since then the plaintiffs behavior has been exsulent according to State officials.

In 2012 the plaintiff got transfered to Federal Custody and was no longer taking his medication. The BOP not having no file to go by due to the State not providing it refused to put him on any medication. From 2012 to 2017, plaintiff has had difficulties ajusting to his new confinments due to his mental health condition, and not being on his medication. In 2018, plaintiff got eccepted to a Special Manigment Unit. He Submitted multible request to Staff Slips to the psychology department from March 2018 - to May 2018 asking who does he talk to to request to Speak to the psychiatrist regarding his Medication. The Chief psychologist Dr. Jennifer Enigk told plaintiff "While in SMU we dont give /will not give any medication unless you have a history of taking it". The plaintiff told Dr. Enigk "You Should have my records, and if you'll look in it you'll see that I really need it", and I function better on it".

In the month of May, plaintiff Submitted well over (10) request to Staff Slips to the Chief Psychologist to Speak to her regarding his issue. To no relief She Failed to respond to any of his request Slips. Plaintiff then requested to Speak to another psychologist in which Dr. A. Brockman Came to See him, and told plaintiff "We dont have any records on you to prove you are on medication". Plaintiff ask Dr. Brockman "What do I gotta do to get my records Sent here", Dr. Brockman Said "write me your diagnoses, and what medication you were taking, and I'll look into it". The plaintiff did as he was ask to do, but that information never made it to Dr. Brockman due to the chief psychologist Dr. Enigk taking it with another letter, and writing plaintiff a insident report for a 206 (sexual proposal) and 298 (Interfering with a Staff member). Dr. Enigk

Then came to plaintiff's cell and told him "Don't ever try to go over my head," "I'm over psychology, and this is my block so if you need something, you see me." "So since you tried to go over me now you get nothing." On 6-30-18 Plaintiff reported Dr. Enigk's actions to the A/W (Cobert) because the plaintiff was receiving dirty looks by officers, and plaintiff overheard the officer's repeat private information that only Dr. Enigk knew. The A/W Cobert told the plaintiff "Let me look into it and if your telling the truth, I'll remove her and replace her with somebody else". Plaintiff said "She lied on me" "She put my safety at risk by telling the C.O's lie's", and she wrote me up cuz I chose to talk to somebody else". A/W Cobert told plaintiff "If she did lie on you, and wrote you a shot, appeal it, and if it is a lie, you should beat it", and if you do beat it, I'll know she lied, and I'll move her".

On 8-9-18 the plaintiff wrote his appeal to the Regional Office. On 9-14-18 plaintiff's response came back stating that the actions and sanctions are expunged from his record. When plaintiff inform the A/W Cobert, he replaced Dr. Enigk with Dr. Brockman, and Dr. Eigenbrode.

On 8-16-18 while on suicide watch Dr. Brockman, and Dr. Eigenbrode came to speak to the plaintiff, the plaintiff told both psychologist "I'm not getting no treatment here", "I keep asking about my medication and you's aint tryna help". Dr. Eigenbrode told plaintiff "If we don't have your records, we can't do nothing". Plus Dr. Enigk has the last say so, and she's upset with you". Plaintiff stated "What does that have anything to do with anyone of you's getting my records", I'll sign any paper work I have to so I can get them here". Dr. Eigenbrode told plaintiff "We can't get your records, your unit team has to get them".

On 8-27-18 and 9-5-18 plaintiff filed a grievance on Dr. Eigenbrode and Dr. Brockman after many attempts to try to get them to request his records, and give him proper treatment. On 11-20-18 Dr. Brockman and Dr. Eigenbrode made rounds on G block third floor, Dr. Brockman stopped at plaintiff's door and told him "You writing us up aint gonna make us get your records", it's actually gonna make us do

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the opposite "So you might want to stop and think about what your doing". Dr. Brockman Said "You need us more than we need you", then She walk away From plaintiff's cell.

On 10-24-18 plaintiff Signed a release Form by the Medical doctor Craig after Speaking to him the day before regarding his state mental health records. On that Same day around 1:00 Dr. Brockman went to See plaintiff and ask him "What records are you tryna get". Plaintiff told Dr. Brockman "the Same records I been tryna get Since I been here". Plaintiff then Said "but it's Okay, cuz I just Sign a release Form with the doctor", "So I'll be good".

On 12-3-18 Dr. Brockman brought plaintiff his records and told him "we uploaded them into SENTRY So we now have your records". Plaintiff ask Dr. Brockman "You See the medication Im on", Dr. Brockman told the plaintiff "Yes", "and I also seen that your bipolar". "Myself and Dr. Enigk were talking about it along with Eigenbrode, and we desided not to give you any medication". Plaintiff ask "What you mean" "I need it", Dr. Brockman Said "the SMU dont give out medication" "but your welcome to Some puzzles".

After Constantly Filing grievances on the psychology department, and talking to the A.W. Cobert about plaintiff's issues, regarding not recieving treatment, A.W. Cobert Stated to plaintiff "I ma make Dr. Enigk give you treatment", "just work with me", "Cuz I Can See that you are having issues, and I want to get you the help you need".

On January the 8th 2018 Dr. Enigk Came to my cell on G block and Said "Briggs", "For Some reason we keep bumping heads with each other". "You keep tryna get medication and Im tryna do Something new" "but you wont work with me". She then Said "here's what I Came up with", "I want to give you a test" "now this test Cant be manipulated", "nor can it be tampered with" "So whatever the answers are we goina go off that". On 1-15-19 plaintiff was brought to the psychology department to See Dr. Enigk. Plaintiff got lock in a cage in a private room, where Dr. Enigk Came in to test him. Plaintiff ask Dr. Enigk "Where is the psychiatrist", Dr. Enigk Said "I'm allherised to do the Same thing as one" "So you'll be okay".

Plaintiff answered the questions from the test and was brought back to his cell. On 1-22-19 plaintiff was taken out his cell to see Dr. Enigk and Dr. Edinger (clinical Director) for his test results. Dr. Edinger began by saying "the test results said you were being manipulative". "It also said you have other illnesses but myself and Dr. Enigk don't believe you got". Plaintiff told Dr. Edinger "What you're telling me is I tried to fake something" but Enigk said "there's no way anybody can", "So she lied again".

Plaintiff asked Dr. Edinger "So you're telling me I just got a behavior problem" "versus a behavior problem that stems from a disorder", Dr. Edinger said "I'm not saying that" "but I will say you don't have bipolar". Plaintiff said "I don't believe you, I want to see the psychiatrist", Dr. Enigk said "you can stop asking to see a psychiatrist cuz that's not gonna happen". At that time that meeting was over, Dr. Edinger walked out of the shower room, while Dr. Enigk stayed behind. She then stated to plaintiff "I'm not giving you medication when you're faking just to waste government money", then she walked out as well. Plaintiff went on hunger strike on 2-7-19 on D-block of the SMU. Plaintiff got taken to medical to be assessed after three days of not eating. Psychologist Dr. R. Eigenbrode came in the room and told plaintiff "We have the results to your test". "Tomorrow when we make our rounds Dr. Brockman will give them to you". On 2-12-19 psychology staff made rounds on D-block the first floor. Dr. Eigenbrode walked by my door. Plaintiff stopped Dr. Eigenbrode and asked her "Where are my results", Dr. Eigenbrode told plaintiff "Dr. Brockman got them, but you ain't getting them", and she proceeded to walk off the range. On 2-13-19 plaintiff had to go back to medical to be assessed for his hunger striking and medical staff L. Potter (Paramedic) asked plaintiff "Did you get your results", plaintiff said "No" "She told me I'm not getting them". L. Potter stated "I was in the room when she said you'll get them". "I'll go up to her office to find out why, cuz that's not right she'd lied to you". On 2-14-19 L. Potter made pill line round and stopped at plaintiff's

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Dr. and told him "Eigenbrode told me when you come off hunger strike she'll give you your results" but you got to wait because they key'd in somebody else's results into your file". Potter then said "I don't know how they did it, but that's what she told me", but they said they got it fixed". Plaintiff then ask "how do I know that whatever results they have are mine". Potter said "that's a good question but I can't answer that, cuz I don't know". Dr. Eigenbrode told the medical staff "we don't care about his hunger striking", "he's not seeing the psychiatrist", "he's not get his medication" and that's it. "What he's doing is hurting him more than us so go for it". At that time the medical staff (name unknown) told plaintiff "I understand your frustrations", "and I look into your story and from everything you said it check out". Plaintiff ask the doctor "So I'm not lying", the doctor said "no" "You're not" and if you were I would tell you you are and go back to my office", but I'm not, I'm right here with you, tryna get you to see that psychology don't give a shit about anything you do". "My job is to make sure your okay from medical side", "when it comes to psychology that's a different department". "Do I think they lazy and don't do they're job" "Absolutely" "but I'm not there boss so I can't do nothing about it". Medical staff Allen said "I want to talk to them myself and I can promise you I'll get you your results if you come off this hunger strike", "as for your medication I can't do nothing about that", but your results I can get that for you, just come off this strike".

On 2-15-19 plaintiff came off his hunger strike, and on 2-18-19 he returned back to his block. On 2-20-19, plaintiff signed a release form giving by SMU psychologist/Coordinator Dr. A. Brockman accompanied by her co-worker Dr. R. Eigenbrode psychology staff for plaintiff's test results.

Inmate Name: Simone Briggs
Register Number: 0040-553
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

22 FEB 2019
W

RECEIVED
SCRANTON

FEB 25 2019

PER [Signature]
DEPUTY CLERK

To: Court Clerk
Middle District of PA
235 North Washington
Scranton, PA 18501

(Legal Mail)

